

**FRED BUCHOLZ**  
DUPAGE COUNTY RECORDER  
DEC.29,2011 3:49 PM  
OTHER 06-29-201-007  
007 PAGES R2011-159677

**ORDINANCE 6661**

**GRANTING FOUR CONDITIONAL USES LOCATED IN  
THE O OFFICE ZONING DISTRICT**

**Address: 777 E. Butterfield Road, Lombard, IL 60148**

**PIN: 06-29-201-007, 008**

**Return To:  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148**

**ORDINANCE NO. 6661**

**AN ORDINANCE GRANTING FOUR CONDITIONAL USES,  
LOCATED IN THE O OFFICE ZONING DISTRICT**

(PC 11-22: 777 E. Butterfield Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the property legally described in Section 5 below is located at 777 E. Butterfield Road is zoned O Office District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional for a restaurant; and

WHEREAS, said application also requests approval of a conditional use for an outdoor service area (outdoor dining) associated with the proposed restaurant; and

WHEREAS, said application also requests approval of a conditional use to reestablish a nonconforming parking lot; and

WHEREAS, said application also requests approval of a conditional use to allow for off-site parking; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 17, 2011 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the petition, subject to conditions of approval; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use to allow for a restaurant is hereby granted; subject to the conditions included within Section 6 below.

SECTION 2: That a conditional use to allow for an outdoor service area (outdoor dining) associated with the proposed restaurant is hereby granted; subject to the conditions included within Section 6 below.

SECTION 3: That a conditional use to reestablish a nonconforming parking lot is hereby granted; subject to the conditions included within Section 6 below.

SECTION 4: That a conditional use to allow for off-site parking is hereby granted; subject to the conditions included within Section 6 below.

SECTION 5: This ordinance is limited and restricted to the property generally located at 777 E. Butterfield Road, Lombard, Illinois and legally described as follows:

LOT 2 IN FREED SUBDIVISION, BEING A SUBDIVISION IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1982 IN DUPAGE COUNTY, ILLINOIS; and

THE LEASEHOLD ESTATE (SAID LEASEHOLD ESTATE BEING DEFINED IN PARAGRAPH 1C. OF THE ALTA LEASEHOLD ENDORSEMENT ATTACHED HERETO), CREATED BY THE INSTRUMENT HEREIN REFERRED TO AS THE LEASE, EXECUTED BY: NORTHERN ILLINOIS GAS COMPANY, AN ILLINOIS CORPORATION, AS LESSOR, AND EXCHANGE NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1980 AND KNOWN AS TRUST NUMBER 37795 AS LESSEE, DATED NOVEMBER 1, 1981, WHICH MEMORANDUM OF LEASE WAS RECORDED OCTOBER 27, 1981 AS DOCUMENT R84-57997 AND RE-RECORDED AS DOCUMENT R82-30526 AND ASSIGNED FROM EXCHANGE NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1980 AND KNOWN AS TRUST NUMBER 37795 TO RUSTY PELICAN RESTAURANTS,

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INC., A CALIFORNIA CORPORATION, DATED JULY 2, 1982 AND RECORDED ON JULY 19, 1982 AS DOCUMENT R82-30527 AND ASSIGNMENT OF LEASE TO FRED R. HOFFMAN RECORDED APRIL 9, 1996 AS DOCUMENT R96-057953 AND ASSIGNMENT OF LEASE TO 777 E. BUTTERFIELD LLC, AN ILLINOIS LIMITED LIABILITY COMPANY RECORDED MARCH 4, 2008 AS DOCUMENT R2008-34323 WHICH DEMISES THE FOLLOWING DESCRIBED LAND FOR A TERM OF YEARS BEGINNING JULY 1, 1982 AND ENDING ON JUNE 30, 2024: ALL THOSE PARTS OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE SOUTH 89 DEGREES 35 MINUTES EAST ALONG THE SOUTH LINE OF SAID SECTION 28 A DISTANCE OF 91.95 FEET; THENCE NORTH 12 DEGREES 05 MINUTES WEST ALONG THE WESTERLY LINE OF TRACT NO. 2 OF PLAT OF SURVEY OF THE BOEGER FARM SOUTH OF BUTTERFIELD ROAD, RECORDED AS DOCUMENT 789439, AND THE SAME EXTENDED, A DISTANCE OF 2722.70 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREBY CONVEYED, SAID POINT BEING IN THE NORTHERLY LINE OF THAT CERTAIN TRACT OR PARCEL OF LAND CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY WARRANTY DEED DATED JUNE 24, 1958 AND RECORDED IN DUPAGE COUNTY RECORDS ON JULY 11, 1958 IN BOOK 921 ON PAGE 515 AS DOCUMENT 886497; THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE LAND SO CONVEYED BY DEED DATED JUNE 24, 1958, FORMING AN ANGLE OF 73 DEGREES 47 MINUTES TO THE RIGHT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 671.0 FEET; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 91 DEGREES 42 MINUTES TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED A DISTANCE OF 82.54 FEET TO A POINT DISTANT 62.5 FEET NORTHERLY MEASURED AT RIGHT ANGLES. FROM THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED JUNE 24, 1958; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 86 DEGREES 13 MINUTES TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 644.56 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 73 DEGREES 47 MINUTES TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 85.92 FEET TO THE POINT OF BEGINNING; (EXCEPTING THEREFROM ANY PART LYING EASTERLY OF THE EASTERLY LINE OF LOT 3 OF PLAT OF SURVEY OF THE BOEGER FARM SOUTH OF BUTTERFIELD ROAD FOR ASSESSMENT PURPOSES

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ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 14, 1956 AS DOCUMENT 769439; ALSO EXCEPTING THEREFROM ANY PART LYING WESTERLY OF A LINE DRAWN 167 FEET WESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE OF LOT 3 OF SAID BOEGER FARM ASSESSMENT PLAT) ALL IN DU PAGE COUNTY, ILLINOIS.

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SECTION 6: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the space in substantial conformance with the Proposed Floor Plan and Building Exterior/Signage Sketch, prepared by Ridgeland Associates, Inc., dated September 27, 2011.
2. The existing rooftop deck shall be removed prior to the issuance of a Certificate of Occupancy and/or Zoning Certificate.
3. If, for any reason, the Nicor parcel becomes unavailable for off-site parking related to 777 E. Butterfield Road, an amendment to the conditional use and/or any necessary variations must be obtained in order to continue the restaurant use.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this 3<sup>rd</sup> day of November, 2011.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2011.

Passed on second reading this 17<sup>th</sup> day of November, 2011.

Ayes: Trustees Gron, Giagnorio, Wilson, Breen, Fitzpatrick and Ware

Nays: None


Absent: None

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Approved this 17<sup>th</sup>, day of November, 2011.

  
William J. Mueller, Village President

ATTEST:

  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 18<sup>th</sup> day of November, 2011

  
Brigitte O'Brien, Village Clerk



I, **Denise R. Kalke**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a  
copy of  
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PIN : 06-29-201-007, 008

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of the said Village as it appears from the official records of said Village duly approved this 17<sup>th</sup> day of November, 2011.

**In Witness Whereof**, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 30<sup>th</sup> day of November, 2011.

Denise R. Kalke  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois

